

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DAVID E. KIDD,	:	Case No. 3:18-cv-131
	:	
Petitioner,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
TIM SHOOP, Warden, Chillicothe	:	
Correctional Institution,	:	
	:	
Respondent.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOCS. 6, 9, 12);
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 5),
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 8), AND
SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC.
11); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC. 1)
WITH PREJUDICE; AND TERMINATING CASE**

This habeas corpus case is before the Court on the Objections (Docs. 6, 9, 12) filed by *pro se* Petitioner David E. Kidd (“Kidd”) to the Magistrate Judge’s Report and Recommendations (“Report”) (Doc. 5), Supplemental Report and Recommendations (“Supplemental Report”) (Doc. 8), and Second Supplemental Report and Recommendations (“Second Supplemental Report”) (Doc. 11). Pursuant to Habeas Rule 4, Magistrate Judge Michael R. Merz determined that Kidd is plainly not entitled to relief in this Court and therefore recommended that his Petition for Writ of Habeas Corpus (“Petition”) be dismissed. Kidd filed Objections to the Report, after which the Court referred the matter back to Magistrate Judge Merz for further consideration. Magistrate Judge Merz entered the Supplemental Report, which reached the same conclusion, and

to which Kidd again objected. Again, this Court referred the matter back to Magistrate Judge Merz for further consideration. Magistrate Judge Merz's Second Supplemental Report addressed Kidd's Objections, even though they were time barred, and concluded that his Petition still must be dismissed. Kidd filed Objections to the Second Supplemental Report. As further consideration by the Magistrate Judge is unnecessary, this matter is ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Kidd's Objections (Docs. 6, 9, 12) to the Report (Doc. 5), Supplemental Report (Doc. 8), and Second Supplemental Report (Doc. 11) are not well-taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 5), Supplemental Report (Doc. 8), and Second Supplemental Report (Doc. 11) in their entirety and rules as follows:

1. Kidd's Petition (Doc. 1) is **DISMISSED WITH PREJUDICE**;
2. Because reasonable jurists would not disagree with this conclusion, Kidd is **DENIED** a certificate of appealability;
3. The Court hereby **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*; and
4. This case is **TERMINATED** on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Friday, July 13, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE